

EXHIBIT C

1 UNITED STATES DISTRICT COURT
2 CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION
3

4 EDUARDO MUNOZ,)
individually and on)
5 behalf of all others) Case No. 2:18-cv-03893-
similarly situated,) RGK-AGR
6)

Plaintiff,)

7)
vs.)
8)

7-ELEVEN, INC., a)
9 Texas corporation,)

10 Defendant.)
_____)

11
12
13 DEPOSITION OF EDUARDO LEE MUNOZ
14 Newport Beach, California
15 Wednesday, February 20, 2019
16
17

18 REPORTED BY: Michelle Milan Fulmer
CSR No. 6942, RPR, CRR, CRC
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1 Q Did you ask him if he liked it there?

2 A Yeah.

3 Q And what was the job you applied for?

4 A A cashier.

5 Q When you applied, did you do that online or 10:44:50
6 was it in the store?

7 A Online.

8 Q Online.

9 You go through the 7-Eleven website or
10 something like that? 10:45:02

11 A Yes.

12 Q Do you remember what paperwork -- I guess
13 it's not really paperwork, but online what
14 information you filled out?

15 A The application. 10:45:21

16 Q Anything else?

17 A There was a bunch of paperwork that I had
18 to sign.

19 Q Do you remember what any of it was?

20 A No. 10:45:45

21 Q Was that when you had to sign the -- or
22 when you saw the disclosure about the FCRA, the
23 Fair Credit Reporting Act stuff?

24 A Yes.

25 Q And there are a whole bunch of other 10:46:00

1 all okay?

2 A Yes.

3 Q Okay. How did the interview with Mike end?

4 What were -- what were the results?

5 A He told me that he would call me back in a 11:06:42
6 couple days to see if I had the job.

7 Q Okay. Do you know what he needed to do,
8 why he didn't just offer it to you right then?

9 A He said he needed to do the background
10 check. 11:06:56

11 Q Okay. What did you say to that?

12 A I said, "Okay."

13 Q Did you ask any questions about it, what it
14 would entail?

15 A No. 11:07:12

16 Q And so he said, "I'll need to run the
17 background check, but I'll call you back in a few
18 days"?

19 A Yes.

20 Q Okay. What -- 11:07:21

21 When did he call you back?

22 A Probably like maybe three days after that.

23 Q And what did he say?

24 A He said that I had got the job. My
25 background pass checked. My background check 11:07:37

1 passed.

2 Q He told you straight up on the phone you
3 passed the background check?

4 A Yes. That's why they hired me.

5 Q Were you surprised that you passed the 11:07:52
6 background check?

7 A I wasn't surprised.

8 Q Did you say anything about the fact you had
9 a criminal history, just a misdemeanor?

10 A No. 11:08:19

11 Q Didn't bring it up?

12 A No.

13 Q No reason to; right?

14 A No reason to.

15 Q But you were okay with him running the 11:08:24
16 background search?

17 A Yeah.

18 Q You understood when he said, "I've got to
19 run the background search," that it could result in
20 you not getting the job; right? 11:08:39

21 A Yes.

22 Q But you were still okay with him running
23 it?

24 A Yes.

25 Q Okay. Okay. Let's look at -- 11:08:45

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1 A Yes.

2 Q Was it --

3 Did you review it on a computer or it goes
4 to your phone and you --

5 A To my phone. 01:36:25

6 Q And then you just review on your phone?

7 A Yes.

8 Q Okay. Did you know it was going to be
9 something that would be filed with the court?

10 A No. 01:36:35

11 Q Be that as it may, did you make sure that
12 it was 100 percent accurate?

13 A Yes.

14 Q And, I mean, there's no reason to say
15 something false in there; right? 01:36:49

16 A Yeah.

17 Q You're not going to do that; right?

18 A No.

19 Q Okay. And you signed at the bottom right?

20 A Yes. 01:37:02

21 Q Let's look at it and just I want to clarify
22 a few things then.

23 Paragraph 2 is kinda where we'll start.

24 The first paragraph is just kind of introductory.

25 Paragraph 2, "In or around January 2018, I 01:37:14

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1 applied for a position with 7-Eleven, Inc."

2 "I" is you; right?

3 A Yes.

4 Q So this is like you're saying these words.

5 You understand that? 01:37:24

6 A Yes.

7 Q Okay. That's all true? January 2018 you

8 applied; right?

9 A Yes.

10 Q And we looked. It was January 16; right? 01:37:32

11 A Yes.

12 Q All right. Paragraph 3, "In connection
13 with my employment application, I was required to
14 complete the document entitled Disclosure Regarding
15 Background Investigation."

01:37:48

16 That's what it says; right?

17 A Yes.

18 Q But that's not accurate; right? You

19 weren't required to complete it during your

20 application; right? It was -- 01:38:01

21 A Yes.

22 Q Okay. Explain to me what you mean.

23 A No. I had to -- I had to do that with the
24 application in order to get the job.

25 Q Okay. Maybe we're just missing each other 01:38:19

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1 application process."

2 That's still true, in your opinion?

3 A Yes.

4 Q And, again, the nature of the information

5 is the talking to witnesses; right? 01:47:07

6 A Yes.

7 Q Okay. You then say, Paragraph 6, "Starting

8 on January 26, 2018, I began my employment with

9 7-Eleven."

10 It was actually January 30th; right? 01:47:24

11 A Yes.

12 Q Okay. And then, "Approximately one month

13 later, on or around February 21st, 7-Eleven informed

14 me that I was terminated based upon information

15 contained in my background check." 01:47:37

16 That's still true; right?

17 A Yes.

18 Q That's accurate. Okay.

19 "In short, had I understood the information

20 that would be provided to 7-Eleven, I would not have 01:47:48

21 signed the disclosure."

22 Again, the information is not the -- not

23 the misdemeanor, but additional information beyond

24 that; right?

25 A Yes. 01:48:00

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1 Q Do you understand that you were terminated
2 because of what they found in your criminal record
3 search; right?

4 A Yes.

5 Q And so a basic criminal record search would 02:21:03
6 have found that misdemeanor; correct?

7 A Yes.

8 Q So your understanding of a background
9 search, that was okay for them to find; correct?

10 A Yes. 02:21:16

11 Q And what they found is what led to your
12 termination; right?

13 A Yes.

14 Q And you have no knowledge whether or not
15 they called your schools or they looked into your 02:21:24
16 characteristics or your mode of living; correct?

17 A Yes.

18 Q Do you think it's fair that you didn't read
19 this form, so you didn't understand it, and then you
20 turn around and sue 7-Eleven for not reading the 02:21:43
21 form?

22 MR. PELUSO: Objection as to the form.

23 THE WITNESS: What was that again?

24 BY MR. CHRISTENSEN:

25 Q Do you think it's fair to 7-Eleven, that 02:21:54

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